

REMARKS

This application has been carefully reviewed in view of the above-referenced Office Action, and reconsideration is requested in view of the following remarks.

Regarding the Rejections under 35 U.S.C. §103(a)

Applicant respectfully requests reconsideration on the grounds that the Giobbi published patent application (US 2002/0080969) does not constitute prior art against the present application. The present application claims priority benefit of provisional application number 60/198,202 which was filed April 19, 2000. This provisional application has been reviewed by the undersigned. This provisional application clearly adequately discloses the features of the claims and in particular those features alleged to be present in Giobbi (e.g., on page 5 of the provisional application). The filing date of this provisional application is approximately seven months prior to the effective date of the Giobbi publication.

Since the Giobbi reference is not prior art, and since all rejections are predicated upon the Giobbi reference, the Office Action fails to establish *prima facie* obviousness. Reconsideration and allowance are respectfully requested.

It is noted that some of the shortcomings of the Fritsch reference are discussed in the prior response. Those shortcomings are reiterated.

It is also noted for the record that it appears that the Office Action takes a rather broad view of the disclosure present in the Giobbi reference. It is submitted that the vague disclosure of Fig. 4 and paragraph [0029] cited in the Giobbi reference is totally inadequate to teach or suggest or even hint at the claim features that are supposedly disclosed by Giobbi.

In addition to the above, it is submitted that the Office Action presents no motivation for making the proposed combination of Fritsch and Giobbi. The Office Action states "It would be obvious to one of ordinary skill in the art to combine the teachings of Fritsch and Giobbi in order to obtain greater ease and security in data transaction." Applicants submit that this alleged motivation is a mere statement of possible advantages of Applicants' claimed invention. However, there is no indication as to how one of ordinary skill in the art would be motivated to seek the particular advantages in the manner claimed by Applicant. (The requirements to make a

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viable combination of references appear in MPEP 2143.01.) Accordingly, even if Giobbi were in fact prior art, there is no motivation to make the proposed combination, resulting in failure to establish unpatentability.

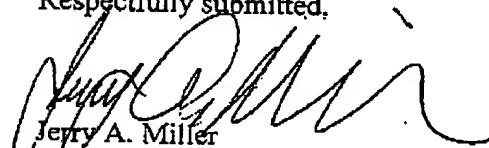
Concluding Remarks

It is noted that this is a **FOURTH** non-final action in this case. It is further submitted that PAIR indicates that multiple searches have been carried out. None of the actions to date have established a viable case of unpatentability. Accordingly, Applicants submit that this application should be promptly passed to allowance.

In view of the failures noted above in the Giobbi reference, full discussion of all rejections in detail is believed unnecessary. However, failure to address any particular issue should not be construed as accession to the Examiner's position.

In view of this communication, all claims are believed to clearly be in condition for allowance and such is respectfully requested at an early date. If the Examiner feels that further matters remain to be resolved, the undersigned hereby formally requests the courtesy of an interview in order to expedite final resolution of this application. The undersigned can be reached at the telephone number below.

Respectfully submitted,



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Dated: 10/25/2005

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